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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,224 01/22/2004		Melvin Lee Jacobson	J274.12-0001	9161	
164	7590	08/27/2004		EXAMINER	
KINNEY & LANGE, P.A.				ROWAN, KURT C	
THE KINNE	Y & LANG	GE BUILDING			
312 SOUTH	THIRD ST	REET	ART UNIT	PAPER NUMBER	
MINNEAPO	LIS, MN	55415-1002	3643		

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Enthercisor is time may be arriable under the provision of 3 CPE 1.138(s). In no event, however, may a reply be timely filed Enthercisor of may be specified above is less than thirty (30) days, a reply while the statisticy minimum of lithing (30) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply while the statisticy prior will apply and virt larger Stork (MONTHS from the making date of this communication. False or sply value, his exist extended prenof for reply will, by statisticy prior will apply and virt larger Stork (MONTHS from the making date of this communication. False or sply value, his exist extended prenof for reply will, by statistic, desire the statistic perior will apply and virt larger Stork (MONTHS from the making date of this communication. False or split and the statistic perior will apply and virt larger Stork (MONTHS from the making date of this communication. False or split and the statistic perior will be communication. Application is FINAL. 2a) This action is FINAL. 2b) This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-29 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filed on is/are withdrawn from consideration. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b)		Application No.	Applicant(s)					
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1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin	136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
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	 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 	Paper No(s)/Mail Da 5) Notice of Informal P	ate					

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-6, 11, 19, 23, 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh et al. 2002/0112395 A1.

The Patent Application Publication '395 to Marsh shows an insect removal device 2 having an engagement surface (not labeled) covered with an adhesive layer 4, a backing side (not labeled) positioned opposite the engagement side, and a single release tab 6 covered with a tab liner 10 as shown in Fig. 1. In reference to claim 8, Marsh shows a storing liner 8.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 7, 12-14, 16, 17, 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al.

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The Patent Publication '395 to Marsh has been discussed above and does not disclose alcohol. Marsh discloses that the adhesive layer is penetrated with an antiseptic in paragraph 16. In reference to claim 7, it would have been obvious to provide Marsh with alcohol which is an old and well known antiseptic. In reference to claim 16, Marsh shows the release tab 6 covered with a tab liner 10. In reference to claim 17, Marsh discloses a flexible, resilient foam material for both the main body 2 and release tab 6 in paragraph 0011. In reference to claim 29, Marsh does not disclose saving the pest attached to the pest removal device and then analyzing the pest for disease, but it would have been obvious to check the pest for disease to help determine if treatment was required.

5. Claims 8, 9, 18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh '395 as applied to claim 1 above, and further in view of Nelson '862.

The patents to Marsh and Nelson show insect capturing devices. Marsh has been discussed above and does not show the liner spooled in a dispenser. In reference to claim 8, Marsh does not show a storing liner. The patent to Nelson shows a storing liner 50. In reference to claims 8 and 18, 20, it would have been obvious to provide Marsh with a storing liner as shown by Nelson to conveniently carry more than one insect catcher at a time. The patent to Nelson shows an insect capturing device spooled on a dispenser in Figs. 9b and 16. In reference to claims 9 and 21, it would have been obvious to provide Marsh with a spooled dispenser as shown by Nelson for the purpose of convenience and ease of use.

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6. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. as applied to claim 1 above, and further in view of Cosenza.

The patents to Marsh and Cosenza show insect capturing devices. Marsh does not show adhesive on the backing side. The patent to Cosenza shows an insect capturing device with adhesive on the backing side. In reference to claims 10 and 15, it would have been obvious to provide Marsh with adhesive on the backing side as shown by Consenza for the purpose of adhering the back side of the pest removal device to another object or picking up another insect.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh as modified by Nelson as applied to claim 20 above, and further in view of Consenza.

The patents to Marsh, Nelson, and Consenza show insect capturing devices and have been discussed above. In reference to claim 22, it would have been obvious to provide the insect catcher of Marsh as modified by Nelson with adhesive on both sides as shown by Consenza to attach the insect catcher to other articles of to catch more insects.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Kistner, Lynn, Mike, and Tarbell show other insect catchers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is 703 308-2321. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kurt Rowan Primary Examiner Art Unit 3643

KR